

EXHIBIT 5

From: Roberts, Sarah
To: carole.neville@dentons.com
Cc: [Maytal, Anat](#); [Rog, Joshua B.](#)
Subject: Picard v. BAM L.P., et al., Adv. Pro. No. 10-04390 (SMB)
Date: Monday, January 05, 2015 5:57:21 PM
Attachments: [image001.gif](#)
[10-04390 Trustees 1st RFA to Meryl Mann.pdf](#)
[10-04390 Trustees 1st RFA to Adam Mann.pdf](#)
[10-04390 Trustees 1st RFA to Betsy Mann Polatsch.pdf](#)
[10-04390 Trustees 1st RFA to BAM.pdf](#)
[10-04390 Trustees 1st RFA to Michael Mann.pdf](#)

We are counsel to Irving H. Picard, Esq., Trustee for the substantively consolidated SIPA liquidation proceedings of Bernard L. Madoff Investment Securities LLC and Estate of Bernard L. Madoff.

Attached for service are the following:

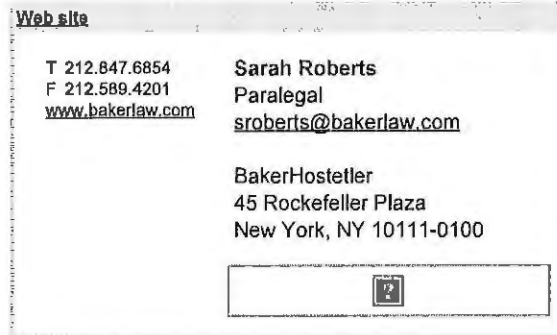
- 1) Trustee's First Set of Requests for Admission to Defendant Betsy Mann Polatsch;
- 2) Trustee's First Set of Requests for Admission to Defendant Michael Mann;
- 3) Trustee's First Set of Requests for Admission to Defendant Meryl Mann;
- 4) Trustee's First Set of Requests for Admission to Defendant Adam Mann; and,
- 5) Trustee's First Set of Requests for Admission to Defendant BAM L.P.

Additionally, hard copies of each these Interrogatories are being served by First Class Mail.

Best regards,

Sarah B. Roberts

Paralegal



Baker & Hostetler LLP

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New York, NY 10111

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard
L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04390 (SMB)

v.

BAM L.P.,

MICHAEL MANN,

MERYL MANN,

BETSY MANN POLATSCH, and

ADAM MANN,

Defendants.

**TRUSTEE'S FIRST SET OF REQUESTS FOR ADMISSION TO DEFENDANT MERYL
MANN**

PLEASE TAKE NOTICE that pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure (the “Federal Rules”) and Rules 7026 and 7036 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Civil Rules of the United States District Court for the Southern District of New York and this Court (the “Local Rules”), Irving H. Picard, Trustee (the “Trustee”) for the Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) pursuant to the Securities Investor Protection Act (“SIPA”), and the estate of Bernard L. Madoff, hereby requests that Meryl Mann respond in writing to the requests for admission (“Requests”) set forth herein and deliver the same to the offices of Baker & Hostetler LLP, c/o Anat Maytal, 45 Rockefeller Plaza, New York, New York 10111 within 30 days of the date set forth below.

DEFINITIONS

1. The rules of construction and definitions in Local Rule 26.3, as adopted in Rule 7026 of the Bankruptcy Rules, are hereby incorporated by reference. All defined terms, including those defined in Local Rule 26.3, are capitalized herein.

2. “Account” means BLMIS Account 1CM363, as set forth in Exhibit A to the Complaint, and/or any other BLMIS account in which any Defendant has or had any interest in any capacity, whether individually, collectively, or as a fiduciary.

3. “Applicable Period” means the period from January 1, 1996, to the present.

4. “BLMIS” means Bernard L. Madoff Investment Securities LLC, Madoff Securities International Ltd., Madoff Securities International LLC, Bernard L. Madoff, Ruth Madoff, and all affiliated Persons and entities, including, but not limited to, any officers, directors, agents, representatives, employees, partners, parent companies, subsidiaries, predecessor or successor and related entities, and affiliates of the above specifically identified Persons and entities.

5. “Complaint” means the complaint and any amended complaint(s) filed by the Trustee in this adversary proceeding.

6. “Defendant(s)” means BAM L.P., Michael Mann, Meryl Mann, Betsy Mann Polatsch, and Adam Mann, individually or collectively, as applicable.

7. “NTC & Co., LLP” shall mean Fiserv, Inc., TIB Holdings, Inc., NTC & Co., Fiserv Investment Support Services (also known as Fiserv ISS), First Trust Corporation (also known as 1st Trust Corporation), Retirement Accounts Inc., Fiserv Trust Company, Trust Industrial Bank, or Lincoln Trust Company, in any capacity, and/or anyone acting on behalf of NTC & Co., Fiserv, Inc., First Trust Corporation (also known as 1st Trust Company), Retirement Accounts Inc., Fiserv Trust Company, Trust Industrial Bank, or Lincoln Trust Company, including any predecessor- or successor-in-interest.

8. “Transfer(s)” means any conveyance, transmittal, disposition, remittance, payment, or payments made by BLMIS during the Applicable Period to or on behalf of

Defendant(s) by any means including, but not limited to, cash, funds, property, or other value conveyed by check, wire transfer, debit, credit to an account, the return of property, withdrawal from an Account(s), or by any other manner as set forth under section 101(54) of the Bankruptcy Code or section 270 of the New York Debtor & Creditor Law. *See* 11 U.S.C. § 101(54); N.Y. DEBT. & CRED. Law § 270. “Transfer” also includes, but is not limited to, payments or conveyances of value by BLMIS to any third parties, including intermediaries, for the benefit of Defendant(s).

9. “You” or “Your” means Meryl Mann in any capacity, and/or anyone acting on Meryl Mann’s behalf or for Meryl Mann’s benefit, including any predecessor-in-interest.

10. For all purposes herein, spelling, grammar, syntax, abbreviations, idioms, and proper nouns shall be construed and interpreted according to their context to give proper meaning and consistency to these Requests.

11. Reference to any Person that is not a natural Person and is not otherwise defined herein refers to and includes, but is not limited to, any parent, subsidiary, affiliate, division, branch, agency, representative office, predecessor, successor, principal, member, director, officer, shareholder, manager, employee, attorney-in-fact, attorney, nominee, agent, or representative of such Person.

REQUESTS FOR ADMISSION

1. Admit that Column 4 of Exhibit B to the Complaint accurately reflects the deposits made into the Account.

2. Admit that Column 5 of Exhibit B to the Complaint accurately reflects the withdrawals from the Account.

[REMAINDER OF DOCUMENT INTENTIONALLY BLANK]

Dated January 5, 2015

/s/ Anat Maytal

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the following was served this 5th day of January, 2015 by electronic mail and First Class mail upon the following:

Carol Neville
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1221 Avenue of the Americas
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/s/ Anat Maytal
*Attorneys for Irving H. Picard, Trustee for
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Liquidation of Bernard L. Madoff
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Bernard L. Madoff*

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Joshua B. Rog

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard
L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04390 (SMB)

v.

BAM L.P.,
MICHAEL MANN,
MERYL MANN,
BETSY MANN POLATSCH, and
ADAM MANN,

Defendants.

**TRUSTEE'S FIRST SET OF REQUESTS FOR ADMISSION TO DEFENDANT
MICHAEL MANN**

PLEASE TAKE NOTICE that pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure (the “Federal Rules”) and Rules 7026 and 7036 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Civil Rules of the United States District Court for the Southern District of New York and this Court (the “Local Rules”), Irving H. Picard, Trustee (the “Trustee”) for the Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) pursuant to the Securities Investor Protection Act (“SIPA”), and the estate of Bernard L. Madoff, hereby requests that Michael Mann respond in writing to the requests for admission (“Requests”) set forth herein and deliver the same to the offices of Baker & Hostetler LLP, c/o Anat Maytal, 45 Rockefeller Plaza, New York, New York 10111 within 30 days of the date set forth below.

DEFINITIONS

1. The rules of construction and definitions in Local Rule 26.3, as adopted in Rule 7026 of the Bankruptcy Rules, are hereby incorporated by reference. All defined terms, including those defined in Local Rule 26.3, are capitalized herein.

2. “Account” or “Accounts” means individually or collectively, as applicable, the BLMIS Account Numbers 1CM363, 1CM367, and 1CM579 as set forth in Exhibit A to the Complaint, and/or any other BLMIS account or accounts in which any Defendant has or had any interest in any capacity, whether individually or as a fiduciary and whether directly or indirectly.

3. “Applicable Period” means the period from January 1, 1996, to the present.

4. “BLMIS” means Bernard L. Madoff Investment Securities LLC, Madoff Securities International Ltd., Madoff Securities International LLC, Bernard L. Madoff, Ruth Madoff, and all affiliated Persons and entities, including, but not limited to, any officers, directors, agents, representatives, employees, partners, parent companies, subsidiaries, predecessor or successor and related entities, and affiliates of the above specifically identified Persons and entities.

5. “Complaint” means the complaint and any amended complaint(s) filed by the Trustee in this adversary proceeding.

6. “Defendant(s)” means BAM L.P., Michael Mann, Meryl Mann, Betsy Mann Polatsch, and Adam Mann, individually or collectively, as applicable.

7. “NTC & Co., LLP” shall mean Fiserv, Inc., TIB Holdings, Inc., NTC & Co., Fiserv Investment Support Services (also known as Fiserv ISS), First Trust Corporation (also known as 1st Trust Corporation), Retirement Accounts Inc., Fiserv Trust Company, Trust Industrial Bank, or Lincoln Trust Company, in any capacity, and/or anyone acting on behalf of NTC & Co., Fiserv, Inc., First Trust Corporation (also known as 1st Trust Company), Retirement Accounts Inc., Fiserv Trust Company, Trust Industrial Bank, or Lincoln Trust Company, including any predecessor- or successor-in-interest.

8. “Subsequent Transfer” means any transfer of Customer Property (as defined in SIPA §78III(4)) conveyed, transmitted, paid, and/or remitted by or on behalf of any Defendant to another Person, or any transfer conveyed, transmitted, paid, and/or remitted to another Person or entity prior to being transferred to or on behalf of any Defendant.

9. “Transfer(s)” means any conveyance, transmittal, disposition, remittance, payment, or payments made by BLMIS during the Applicable Period to or on behalf of Defendant(s) by any means including, but not limited to, cash, funds, property, or other value conveyed by check, wire transfer, debit, credit to an account, the return of property, withdrawal from an Account(s), or by any other manner as set forth under section 101(54) of the Bankruptcy Code or section 270 of the New York Debtor & Creditor Law. *See* 11 U.S.C. § 101(54); N.Y. DEBT. & CRED. Law § 270. “Transfer” also includes, but is not limited to, payments or conveyances of value by BLMIS to any third parties, including intermediaries, for the benefit of Defendant(s).

10. “You” or “Your” means Michael Mann in any capacity, and/or anyone acting on Michael Mann’s behalf or for Michael Mann’s benefit, including any predecessor-in-interest.

11. For all purposes herein, spelling, grammar, syntax, abbreviations, idioms, and proper nouns shall be construed and interpreted according to their context to give proper meaning and consistency to these Requests.

12. Reference to any Person that is not a natural Person and is not otherwise defined herein refers to and includes, but is not limited to, any parent, subsidiary, affiliate, division, branch, agency, representative office, predecessor, successor, principal, member, director, officer, shareholder, manager, employee, attorney-in-fact, attorney, nominee, agent, or representative of such Person.

REQUESTS FOR ADMISSION

1. Admit that Column 4 of Exhibit B to the Complaint accurately reflects the deposits made into Account 1CM363.
2. Admit that Column 5 of Exhibit B to the Complaint accurately reflects the withdrawals from Account 1CM363.
3. Admit that Column 4 of Exhibit B to the Complaint accurately reflects the deposits made into Account 1CM367.
4. Admit that Column 5 of Exhibit B to the Complaint accurately reflects the withdrawals from Account 1CM367.
5. Admit that You are a general partner of BAM L.P.
6. Admit that You are the sole general partner of BAM L.P.
7. Admit that You received funds that originated from Account 1CM579.

Dated: January 5, 2015

/s/ Anat Maytal

BAKER & HOSTETLER LLP

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New York, New York 10111

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Joshua B. Rog

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the following was served this 5th day of January, 2015 by electronic mail and First Class mail upon the following:

Carol Neville
Dentons US LLP
1221 Avenue of the Americas
New York, New York 10020
carole.neville@dentons.com

/s/ Anat Maytal

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard
L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04390 (SMB)

v.

BAM L.P.,
MICHAEL MANN,
MERYL MANN,
BETSY MANN POLATSCH, and
ADAM MANN,

Defendants.

**TRUSTEE'S FIRST SET OF REQUESTS FOR ADMISSION TO DEFENDANT BAM
L.P.**

PLEASE TAKE NOTICE that pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure (the “Federal Rules”) and Rules 7026 and 7036 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Civil Rules of the United States District Court for the Southern District of New York and this Court (the “Local Rules”), Irving H. Picard, Trustee (the “Trustee”) for the Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) pursuant to the Securities Investor Protection Act (“SIPA”), and the estate of Bernard L. Madoff, hereby requests that BAM L.P. respond in writing to the requests for admission (“Requests”) set forth herein and deliver the same to the offices of Baker & Hostetler LLP, c/o Anat Maytal, 45 Rockefeller Plaza, New York, New York 10111 within 30 days of the date set forth below.

DEFINITIONS

1. The rules of construction and definitions in Local Rule 26.3, as adopted in Rule 7026 of the Bankruptcy Rules, are hereby incorporated by reference. All defined terms, including those defined in Local Rule 26.3, are capitalized herein.

2. “Account” means BLMIS Account 1CM579, as set forth in Exhibit A to the Complaint, and/or any other BLMIS account in which any Defendant has or had any interest in any capacity, whether individually, collectively, or as a fiduciary.

3. “Applicable Period” means the period from March 26, 1999, to the present.

4. “BLMIS” means Bernard L. Madoff Investment Securities LLC, Madoff Securities International Ltd., Madoff Securities International LLC, Bernard L. Madoff, Ruth Madoff, and all affiliated Persons and entities, including, but not limited to, any officers, directors, agents, representatives, employees, partners, parent companies, subsidiaries, predecessor or successor and related entities, and affiliates of the above specifically identified Persons and entities.

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7. “Transfer(s)” means any conveyance, transmittal, disposition, remittance, payment, or payments made by BLMIS during the Applicable Period to or on behalf of Defendant(s) by any means including, but not limited to, cash, funds, property, or other value conveyed by check, wire transfer, debit, credit to an account, the return of property, withdrawal from an Account(s), or by any other manner as set forth under section 101(54) of the Bankruptcy Code or section 270 of the New York Debtor & Creditor Law. *See* 11 U.S.C. § 101(54); N.Y. DEBT. & CRED. Law § 270. “Transfer” also includes, but is not limited to, payments or conveyances of value by BLMIS to any third parties, including intermediaries, for the benefit of Defendant(s).

8. “You” or “Your” means BAM L.P. in any capacity, and/or anyone acting on BAM L.P.’s behalf or for BAM L.P.’s benefit, including any predecessor-in-interest.

9. For all purposes herein, spelling, grammar, syntax, abbreviations, idioms, and proper nouns shall be construed and interpreted according to their context to give proper meaning and consistency to these Requests.

10. Reference to any Person that is not a natural Person and is not otherwise defined herein refers to and includes, but is not limited to, any parent, subsidiary, affiliate, division, branch, agency, representative office, predecessor, successor, principal, member, director, officer, shareholder, manager, employee, attorney-in-fact, attorney, nominee, agent, or representative of such Person.

REQUESTS FOR ADMISSION

1. Admit that Column 4 of Exhibit B to the Complaint accurately reflects the deposits made into the Account.

2. Admit that Column 5 of Exhibit B to the Complaint accurately reflects the withdrawals from the Account.

[REMAINDER OF DOCUMENT INTENTIONALLY BLANK]

Dated January 5, 2015

/s/ Anat Maytal

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the following was served this 5th day of January, 2015 by electronic mail and First Class mail upon the following:

Carol Neville
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1221 Avenue of the Americas
New York, New York 10020
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/s/ Anat Maytal
Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
Bernard L. Madoff